

TESTIMONY OF VERNON ASHLEY
AN ELDER OF THE CROW CREEK DAKOTA TRIBE
OF AMERICAN INDIANS

JULY 8, 1998

Committee of Interior & Insular Affairs
United States Senate
Washington, D.C.

RE: The Mississippi Sioux Tribes Judgement Fund Distribution Act (1972)

Dear Committee Members:

I appreciate this opportunity to appear before your distinguished Committee. Approximately a half century ago, I appeared four times before a U.S. Congressional Body as a Tribal Leader on issues important to the Crow Creek Sioux Tribe of American Indians. The issue of payment to the Lineal Descendents is primary to voters in the Dakotas and neighboring states. By previous correspondence I have aired my concern to members of this body, and therefore, you may be aware of the importance to members of our Tribe.

With reference to previous testimony made by the affected Tribes, let me state that the younger Tribal Leaders are not aware of the historic background. No Lineal Descendent has given up their Tribal membership. The separation of the, Tribe was done by force, and that is how the Lineal Descendents were separated in different states and Canada. They should not be penalized, because the Lineal Descendents have tried their level best to become productive citizens of this great country. As a Lineal Descendent, I receive a lease check of approximately \$70 every year from the Sisseton/ Wahpeton Tribe; and others are in the same situation. My colleagues for the past twenty years have been striving to secure their just compensation as specified in Public Law 92-555. One of my colleagues, who was an employee of the Bureau of Indian Affairs, sat in on the proceedings some twenty years ago and he stated that the Tribal Leaders of the three affected Tribes were in full agreement with payment procedures; and at no time were the Tribes coerced. If time permitted, and they had time to make arrangements, they would want the opportunity to appear before your distinguished body.

There are certain Exhibits that I would like to present, in the event this Committee did not have access. I want to reference Resolution No. 117-97-CR (Exhibit 1) adopted by the Cheyenne River Sioux Tribe of South Dakota which opposes passage of S.391 and HR 976 and urges payments to the Lineal Descendents.

I also reference a Bureau of Indian Affairs (BIA), Aberdeen

Area Office, document titled "Summary of Geographic Data of Applicants" (Exhibit 2) which has an approved list of Lineal Descendents totaling 1,968 who reside in thirty-six (36) states. This is to indicate that the Bureau of Indian Affairs made a substantial effort to publicize or notify potential applicants, and that 971 applicants were within the BIA's Aberdeen Area (North Dakota, South Dakota, and Nebraska). I believe that enough time has passed, and that a deadline of sixty (60) days be established; hence, payments be made by late November or early December of 1998.

The letter to Senator John McCain, dated 4-10-97 (Exhibit 3), from Mr. Duane Bruce Renville of Aberdeen, South Dakota, a member of the Sisseton-Wahpeton Tribe, also strengthens the stand of the said Lineal Descendents. This indicates the concern of individuals who would be recipients of said payments. The only means we have is to convey our concerns in writing to member\$, of your distinguished body, and to our Congressional Representatives; but there is no way of knowing whether we are heard.

I would like to reference the statement of Attorney Michael Abourezk of October 18, 1997, (Exhibit 4) which was addressed to this Committee which supports the request of all Lineal Descendents. With all the information before you, and to honor the action of your predecessors of 1972, it would appear that the practical thing to do would be to carry out the intent of the 1972 Act. I come before you in my waning years, and maybe as a final gesture on my part, to plead the case of the Lineal Descendents. Twenty six (26) years is a long time to carry out an intent of the United States Congress. During the said interim all of my brothers and sisters have passed on, and I am a lone survivor. Probably on the approved list of 1,968 some may not be here today.

In conclusion, let me state that it took a lot of effort to secure birth certificates, and other supporting information to establish the eligibility of my family as it was in 1978. Finally, on November 16, 1979, we were determined to be descendents of the Sisseton-Wahpeton Band and eligible to share in the payments authorized by the Act of October 25, 1972.

The payment of attorney's fees should not be taken out of Lineal Descendents share of funds who were certified by the Bureau of Indian Affairs prior to the deadline date, but by other sources to be established. I thank you for the opportunity of making my statement, and implore you to decide in our behalf.

Respectfully submitted,
Vernon Ashley